IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 6146 of 2007(F)

PETITIONER:

HARIMOHAN.M.K., AGED 46 YEARS,
S/O.ACHUTHAN NAIR, KUNNUMMAL HOUSE,
P.O.CHEMANCHERI, PIN-673 304, KOZHIKODE DISTRICT.

BY ADV. SRI.P.K.IBRAHIM

RESPONDENTS:
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1. **THE DIVISIONAL COMMERCIAL MANAGER,**
   SOUTHERN RAILWAY, DIVISIONAL OFFICE,
   COMMERCIAL BRANCH, PALAKKAD.

2. **SMT.MASHOOTHA.P.K.,**
   "YAMUNA", THIRUVANGOOR P.O.,
   PIN-673 318, KOZHIKODE DISTRICT.

BY ADV. SRI.ALEXANDER THOMAS, SC,RAILWAYS for R1
SRI.V.V.SURENDRAN
SRI.P.A.HARISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON 03/04/2007 DELIVERED THE FOLLOWING:

WPC.NO.6146/2007 F

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1; COPY OF THE NOTIFICATION NO.JC.210/WORKING OF TRAIN HALTS DTD.1/08/2006 ISSUED BY THE 1ST RESPONDENT.

EXT.P2: COPY OF THE APPLICATION DTD. 25/08/06 OF THE PETITIONER.

EXT.P3: COPY OF THE REPRESENTATION DTD. 17/01/07 FROM THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P4: COPY OF THE COMMUNICATIONNO.J/C.210/CMC DTD. 25/1/07 FROM THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

EXT.P5: COPY OF PAGE NO.27 OF THE VOTERS LIST OF THE YEAR 2006 OF KOZHIKODE LEGISLATIVE ASSEMBLY.

EXT.P6: COPY OF THE INVITATION PRINTED BY THE 2ND RESPONDENT AND HER HUSBAND ON THE OCCASION OF THE HOUSE WARMING CEREMONY OF THE NEWLY CONSTRUCTED HOUSE.

EXT.P7: COPY OF THE PAGES 18 AND 19 OF THE VOTERS LIST OF 2007 OF CHEMENCHERI PANCHAYATH.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF CIRCULAR NO.99/TGIV/HALTS/POLICY DTD.24/06/2005 ISSUED BY THE RAILWAY BOARD.

EXT.R1(B): COPY OF NOTIFICATION PUBLISHED IN MATHRUBHOOMI, DTD. 11/08/2006.

EXT.R1(C): COPY OF MEMO NO.J/C210/CMC/06 DTD. 28/12/06 ISSUED TO THE PETITIONER.

EXT.R1(D): COPY OF APPLICATION RECEIVED FROM SMT. HASINA.

EXT.R1(E): COPY OF POSTAL RECEIPT DTD. 28/08/06 OF SMT.HASINA'S APPLICATION.

EXT.R1(F): COPY OF CERTIFICATE ISSUED BY GRAMA PANCHAYATH PRESIDENT.

EXT.R1(F)(A): COPY OF CERTIFICATE ISSUED BY MEMBER, GRAMA PANCHAYATH.

EXT.R1(F)(B): COPY OF R-2's SSLC BOOK'S RELEVANT PAGE.

EXT.R1(F)(C): COPY OF R-2's DRIVING LICENCE.

EXT.R1(F)(D): COPY OF R-2's RATION CARD.

EXT.R1(G): COPY OF MINUTES OF THE SELECTION PROCESS FOR CHEMMANCHERRY.

EXT.R1(H): COPY OF MINUTES OF THE SELECTION PROCESS FOR IRINGAL.

EXT.R1(I); COPY OF MINUTES OF THE SELECTION PROCESS FOR MUKKALI.

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.6146 OF 2007-F

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Dated this the 4th day of April, 2007.

JUDGMENT

Petitioner's father died in an accident during the course of shunting activity in the Railways. Petitioner's sister was then made a halt agent. When fresh applications for appointment of halt agent were invited, the petitioner was found suitable and in 1992, he was made the halt agent at Chemancheri.

2. A halt station is one where the issuance of ticket is done by the duly appointed contractor called “the halt agent”. The selection is by tender system. It is a pure contract and not an appointment into the Railway Service. The Railways enter into a contract with the selected candidate and the halt agent thus becomes an agent of the Railways for the purpose of the activities which he has to

carry on, in the halt station.

3. The petitioner challenges the decision by which the second respondent has now been made the halt agent.

4. Ext.R1(a) circular of the Railways contains instructions. As of now, the total outer limit for a halt agent is 15 years. Indisputably, the petitioner has continued as a halt agent from 1992 and completed the maximum period of 15 years on 6-2-2007. Accordingly, tenders were invited as per Ext.R1(b) and three applications, including that of the petitioner, were received by the Railways. All candidates were found eligible. Therefore, the selection was done by draw of lot, after advice memo was issued in that regard as per Ext.R1 (c). The lot was drawn in the presence of the applicants and members of the Selection Committee. The second respondent was selected.

Having regard to what is aforesaid, I find no legal infirmity or jurisdictional error in the action taken by the first respondent. The writ petition fails. The same is accordingly

dismissed. No costs.

THOTTATHIL B. RADHAKRISHNAN,
Sha/- JUDGE.